

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHARLENE DAVIS and TYRONE DAVIS,

Plaintiffs,

-against-

BERKSHIRE FINANCIAL GROUP, INC. and
“JOHN AND JANE DOES 1-2” representing unknown
and unidentified employees of Berkshire Financial
Group, Inc., STACEY GOLIA a/k/a STACEY
ROSENBLATT, LENORA GOLIA, ANNAMARIA
GOLIA, MIRI ZOAREZ, RCA LAND SEARCH
INCORPORATED, and “JOHN AND JANE DOES 3-4”
Representing unknown and unidentified employees of
RCA Land Search Incorporated, RODRIGO LIRIO,
ESTHER SERRANO, and DEMETRIO MERLINO,

Defendants.

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DEMETRIO MERLINO,

Third-Party Plaintiff,

-against-

FEDERAL DEPOSIT INSURANCE CORPORATION,
as Receiver For Washington Mutual Bank,

Third-Party Defendant.

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DEARIE, Chief Judge.

New York residents Charlene and Tyrone Davis commenced this action in state court asserting claims of fraud, breach of contract, and negligence under New York state law against several of their fellow New York residents. Shortly thereafter, one of the defendants, Demetrio Merlino, impleaded third-party defendant Federal Deposit Insurance Corporation (“FDIC”). FDIC removed the action to this Court pursuant to the Financial Institution Reform, Recovery and Enforcement Act of 1989. On July 23, 2010, Merlino stipulated to the dismissal with

MEMORANDUM & ORDER
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prejudice of his third-party action against the FDIC. There no longer being any federal question to resolve, the Court no longer has subject matter jurisdiction over this action. Accordingly, the Clerk of the Court is directed to remand the Davis's action to the state court and close this case.
SO ORDERED.

Dated: Brooklyn, New York
August 4, 2010

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge